
REPORT OF THE MONITORING OFFICER

AGENDA ITEM: 8

THE CARDIFF UNDERTAKING

Reason of the Report

1. To provide members with an opportunity to review the Cardiff Undertaking and consider whether they wish to propose any amendments

Background

2. The Committee within its Terms of Reference has specific responsibility to:-
 - Monitor and scrutinize the ethical standards of the Authority, its Members, employees and any associated providers of the Authority services and report to the Council on any matters of concern.
 - Advise the Council on the content of its Ethical Code and to update the code as appropriate.

The Ethical Code

3. The Council's Ethical Code comprises a National Code of Conduct which is incorporated into the Council's Constitution and the Cardiff Undertaking which was agreed at the Council Meeting of the 1 July 2004 and which is attached at Appendix 1.
4. The Undertaking was developed and adopted following consideration of the Commission on the Governance of Cardiff Council to address the various issues raised in that report. The Committee received a report at its meeting on the 27 November 2007 on the outcome of the work undertaken following the recommendations of the Commission. In earlier meetings the Committee has also explored the relationship of the Council and Members with the media, and in meetings with the Whips discussed the progress being made by the Council in supporting Members.

Priority Areas for the Committee

5. The Council has a good record in respect of its ethical conduct with no complaints received for consideration by the Committee during the course of this administrative period. The Committee has also carried out an ethical audit which it is due to review in 2008/2009. The Committee presented its third

Annual Report to the Council and within that highlighted some specific areas that they wished to concentrate on:-

- Member Development

“the Committee believes the Council can do better in providing resources, support and training, and that Members should be committed and prepared to engage positively with the programme of development”.

- Governance

“the Committee accepted responsibility flowing from the Foundation Conference held in January 2005 to identify actions to make the Council’s Code of Undertaking “live and breath”.”

- The Media

“the role of the press and how it reports on local democracy significantly affects how the Council is perceived and impacts on matters of trust between the Council and the general public”.

There were similar themes picked up in the work undertaken by the Council with the Welsh Audit Office on the Governance Programme, and reported to the Committee on the 27 November 2007. The issues around the role of Members that were identified for improvement by the Council were:-

- Broaden the range of engagements between Officers and Members. In particular develop more sophisticated arrangements for the engagement of back bench members and opposition members.
- Develop opportunities for the Executive and CD/COs to meet collectively to plan for the future.
- Reduce the reliance on the media by Members as a vehicle for dissent – it was recognised that this situation had improved, but there was still scope for further improvement.
- Improve support and information provided to Members to enable them to undertake their various roles.

The Cardiff Undertaking

6. The Undertaking was considered by Council at the Annual Meeting on the
7. 1 July 2004. An extract of the Minute is attached at Appendix 2. The Undertaking has never been re-endorsed at subsequent Annual Meetings. No Members have signed a copy of the Undertaking.

Issues

7. The Committee may wish to consider whether:-
- There is a continuing need to have the Undertaking as an additional ethical document alongside the National Code of Conduct.
 - The Annual Undertaking is “fit for purpose”.
 - Any part of the Undertaking should be strengthened/deleted.
 - All Members should be required to formally sign the Undertaking.
 - The document should be endorsed at each Annual Meeting of Council or solely at the commencement of the administration.

Legal & Financial Implications

8. There are none flowing from this report.

Recommendations

9. The Committee is recommended to consider the issues identified in paragraph 7 and to make any amendments to the Cardiff Undertaking as they consider appropriate.

Kate Berry

City & County Solicitor (Monitoring Officer)

Dated: 23 January 2008

Background Papers

1. Commission on Governance in Cardiff Council 2004
2. Report to the Standards & Ethics Committee on the Governance Programme – 27 November 2007
3. Third Annual Report of the Standards & Ethics Committee 2006/2007

THE CARDIFF UNDERTAKING FOR COUNCILLORS

As a Councillor elected to this the County Council of the City and County of Cardiff I UNDERTAKE to

- ◆ represent Cardiff and all the people of Cardiff and to hold this duty of representation equally to all the people of Cardiff.
- ◆ consider all issues and cases brought to me on their merits.
- ◆ balance the interests of my ward with the interests of the Council and the people of Cardiff as a whole.
- ◆ give priority to the interests of the Council, Cardiff and of the people of Cardiff.
- ◆ act according to the highest standards of probity in carrying out my various duties as a Councillor.
- ◆ always conduct myself in accordance with Principles of Conduct
- ◆ adhere to and respect the Members' Code of Conduct and have proper regard to the advice and guidance issued by the Standards and Ethics Committee
- ◆ undertake appropriate training to equip me to carry out my duties as a Councillor.
- ◆ exercise my role in my Party Group to help maintain proper standards of conduct in Council business

APPENDIX 2

5 : THE CARDIFF UNDERTAKING FOR COUNCILLORS

On 6 May 2004, Council agreed the principle of a Cardiff Undertaking (for Councillors) and the Chief Executive was authorised to approve the content and wording of the Cardiff Undertaking in consultation with the Leaders of Party Groups.

The Cardiff Undertaking had since been approved together with the required changes to the Constitution. The agreement provided the opportunity for Members to publicly commit themselves to using their term of office to work for the Council, the City and citizens and to commit to the standards of conduct expected by the Council.

Members stood whilst the Lord Mayor read out the following Cardiff Undertaking.

As a Councillor elected to this the County Council of the City and County of Cardiff I UNDERTAKE to

- ◆ represent Cardiff and all the people of Cardiff and to hold this duty of representation equally to all the people of Cardiff.
- ◆ consider all issues and cases brought to me on their merits.
- ◆ balance the interests of my ward with the interests of the Council and the people of Cardiff as a whole.
- ◆ give priority to the interests of the Council, Cardiff and of the people of Cardiff.
- ◆ act according to the highest standards of probity in carrying out my various duties as a Councillor.
- ◆ always conduct myself in accordance with Principles of Conduct
- ◆ adhere to and respect the Members' Code of Conduct and have proper regard to the advice and guidance issued by the Standards and Ethics Committee
- ◆ undertake appropriate training to equip me to carry out my duties as a Councillor.

- ◆ exercise my role in my Party Group to help maintain proper standards of conduct in Council business

All those Members present verbally accepted the Undertaking

(Councillors Austin, Derbyshire, Goodway, Priday and Thomas were not present during the declaration).

RESOLVED – That

- (1) the agreement to the Cardiff Undertaking (for Councillors), which will form part of the Constitution, be noted;
- (2) Members be given the opportunity to commit to the Undertaking at future meetings.